

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

INNOVATION VENTURES, LLC,

Plaintiff,

Civil Action No. 12-CV-13850

vs.

HON. BERNARD A. FRIEDMAN

CUSTOM NUTRITION LABORATORIES, LLC,
NUTRITION SCIENCE LABORATORIES, LLC,
and ALAN JONES,

Defendants.

**ORDER DENYING WITHOUT PREJUDICE PLAINTIFF'S MOTION
TO DISMISS DEFENDANTS' COUNTERCLAIMS**

On January 14, 2013, plaintiff filed a motion to dismiss defendants' counterclaims [docket entry 51]. On February 4, 2013, defendants filed amended counterclaims [docket entries 63, 64]. As the amended counterclaims make significantly different allegations and claims as compared to the original counterclaims, plaintiff's motion to dismiss must be denied as moot. Within the time limits of Fed. R. Civ. P. 12, plaintiff may file a renewed motion to dismiss that addresses the amended counterclaims.

SO ORDERED.

Dated: February 7, 2013

s/ Bernard A. Friedman
BERNARD A. FRIEDMAN
SENIOR UNITED STATES DISTRICT JUDGE

I hereby certify that the foregoing document was sent to parties of record electronically or by ordinary mail February 7, 2013.

s/ Michael Williams
Relief Case Manager for the Honorable
Bernard A. Friedman